

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2345 of 1995

TO

FIRST APPEAL NO.2349 OF 1995

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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SPL.LAQ OFFICER

Versus

RAJENDRAKUMAR D PATEL

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Appearance:

Mr. M.R. Anand,GP with Mr. L.R. Pujari, AGP for appellants.

Mr. Sanjay M. Amin for respondents.

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 06/05/96

COMMON ORAL JUDGEMENT

1. Heard learned counsel for the respective parties.  
Appeals admitted. Mr. Sanjay Amin waives service on behalf of respondents.
2. At the joint request of learned counsel for the

parties these appeals are taken up for final hearing today.

3. As a result of the hearing it becomes obvious that the impugned judgement is based on two main factors by way of evidence.

4. The first substantial piece of evidence is an earlier judgement in a Reference under section 18, in a group of Land Reference Cases where the main Reference was Land Reference Case No.422/87. What is significant is that in this group of References, the market value of the land was determined at Rs.10/- per square meter, in the context of the notification under section 4 dated 23rd August 1984. However, in the instant case the notification under section 4 is dated 26th June 1989. In other words, the relevant notification is almost five years later in point of time. Thus, even applying a very conservative increment of 7% per annum to the land value on account of lapse of time, and on account of common and universal factors such as inflation, drop in the purchasing power of rupee, general rise in land values on account of rise in potentiality and/or improved agricultural yields, etc, the value of the acquired lands in the instant case would be about Rs.13.50ps per square meter. The aforesaid judgement in the Land Reference Case (group) is on record at Exh.25.

5. The District Court in the impugned judgement and award has also considered the relevant evidence on the agricultural yield of the lands under acquisition, and on a reasonable appreciation of the same, has determined the market value at Rs.14/- per square meter; however this value has been arrived at by applying a multiplier of only 8. It is relevant to note that this multiplier has been applied in the context of the notification under section 4 dated 26th June 1989. It is well settled law and also observable from various decisions of the Supreme Court and also of this court that multipliers in respect of the last decade were far higher i.e. in the range of 12 to 15, but have thereafter gradually declined mainly because agricultural yields have improved due to improved agricultural practices, improved varieties of seeds and the general improvement in farming methods. However, there can be no dispute that in respect of the relevant year 1989, the multiplier of 8 is definitely and substantially on the lower side. If a multiplier of even 10 is applied to the net yield as computed by the District Court on a reasonable appreciation of the evidence on record, the land value would definitely be substantially higher than Rs.14/- per square meter, as

determined in the impugned judgement.

6. In view of the above, it cannot possibly be urged by the appellant that the land value as determined in the impugned judgement at Rs.14/- per square meter is in any way excessive.

7. In the premises aforesaid, these appeals are summarily dismissed with no orders as to costs.

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